



SO ORDERED.

SIGNED this 21 day of June, 2005.

**THIS ORDER HAS BEEN ENTERED ON THE DOCKET.
PLEASE SEE DOCKET FOR ENTRY DATE.**

A handwritten signature in black ink, appearing to read "R. Stair Jr.", is written over a horizontal line.

Richard Stair Jr.
UNITED STATES BANKRUPTCY JUDGE

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF TENNESSEE

IN RE: MIKE BAKER
ROSE BAKER

#05-30695
Chapter 13

ORDER CONFIRMING CHAPTER 13 PLAN

The chapter 13 plan in this case or summary thereof having been transmitted to scheduled creditors, and it having been determined that the plan as finalized complies with 11 U.S.C. § 1325 and should be confirmed, the court directs the following:

1. The plan, a copy of which is attached, is confirmed;
2. Property of the estate does not vest in the debtor(s) until completion of the plan; and
3. The Base Fee of \$ 1600.00 set forth in the Disclosure of Compensation statement filed by debtor(s)' attorney in this case is approved, with such amount to be paid by the Chapter 13 Trustee through the plan except to the extent already paid by the debtor(s).

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APPROVED FOR ENTRY BY:

A handwritten signature in black ink, appearing to read "Gwendolyn M. Kerney", is written over a horizontal line.

GWENDOLYN M. KERNEY, #07280
Chapter 13 Trustee
PO Box 228
Knoxville, TN 37901
(865) 524-4995

IN RE: Mike Baker

#05-30695

Rose Baker

Chapter 13

MODIFICATION OF PLAN (DATED: 3/7/05)

- The debtor(s) hereby modify the Chapter 13 plan provisions filed in the case as follows:
- ☒ **Plan payments** are changed from 375 to 400 each Bi-weekly by wage order; or direct pay due by the .
- ☒ The **term** of the plan is extended from 36 to 48 months.
- The **dividend** to unsecured creditors is changed to or funds available, whichever is greater.
- Tax refunds** and/or earned income credit due into plan: none; all; in excess of .
- Debtor projects additional future income for which an amended budget shall be filed and plan modified commensurately.
- Copies of signed federal income tax returns due to be filed with the IRS over the life of the plan shall be timely provided to the Trustee for monitoring of projected increased income which shall be paid into plan.
- ☒ Claims subject to objection by the Trustee if not properly documented or perfected regardless of confirmed treatment.
- ☒ The Trustee has no obligation to insure property of the estate.
- Any and all net proceeds from debtor(s) pending claim to be paid into plan exempting only standard one-third contingency attorney fees for personal injury claims and/or approved statutory fees for worker's compensation claims plus reasonable litigation fees. Upon settlement and/or judgment of claim, debtor(s) to provide the Trustee with an itemization of settlement and all net proceeds are to be paid into the plan. Debtor(s) shall not be entitled to keep any proceeds for reasonable and necessary expenses unless plan is further modified to retain said funds subject to objection by Trustee and/or creditors. Debtor(s)' counsel to file appropriate Application to Employ Counsel.
- The debtor(s) must stay current with their post-petition tax obligations. So long as the debtor(s) have self-employment income, they shall timely make all required quarterly estimated tax payments. In the event the debtor(s) have income subject to withholding, the debtor(s) shall ensure that sufficient sums are withheld to cover their income tax liability. The debtor(s) shall timely file all required tax returns and remit any balance due with the return. Failure to comply with any of these provisions shall, upon certification by the Internal Revenue Service and/or the Tennessee Department of Revenue result in the automatic dismissal of the case.
- Trustee to pay any future mortgage increases.
- Monthly operating or other financial reports required for business operations.
- Case subject to dismissal without notice or hearing upon Trustee certification of delinquent payment(s).**
- Debtor(s) is barred from filing another bankruptcy case under title 11 of the United States Code for 180 days from dismissal date in the event case is dismissed for any reason.**

Creditor	Value	Per Month	Interest Rate
Jefferson City Clerk	1 full (estimated) \$867.00	\$35.00	12%

 Other Changes:

Notice to creditors is not required since modification does not adversely affect the rights of creditors or creditors have consented to modification. Any required notice to debtor(s) is the responsibility of debtor(s)' counsel.

Attorney for Debtor(s)

Chapter 13 Trustee

Creditor:

By:

Title:

Creditor:

By:

Title:

Creditor:

By:

Title:

Creditor:

By:

Title:

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF TENNESSEE**

In re:

MIKE W. BAKER,
ROSE M. BAKER,
Debtors

NO. 05-30695

DEBTORS' AMENDED PLAN

The debtors come and amends their plan as follows:

1. **PLAN PAYMENT.** The debtors shall make plan payments of \$375 on a bi-weekly basis over a term of 36 months by wage order. **Tax refunds shall be paid into the plan as follows:** all.
2. **PROPERTY OF THE ESTATE/INSURANCE.** Debtor(s)' income and assets remain property of the estate and do not vest in the debtor until completion of the plan. The Chapter 13 Trustee has no obligation to insure property of the estate which is the responsibility of the debtor.
3. **ADMINISTRATIVE EXPENSES** under 11 USC Sections 503 and 1326 shall be paid in full.
4. **PRIORITY EXPENSES.** Claims entitled to priority under 11 USC paragraph 507 to be paid in full in deferred cash payments.
5. **POST PETITION DEBT** claims shall be paid only as allowed under 11 USC 1305.
6. **TAX LIABILITY** claims for secured, priority, and unsecured debt paid per claim unless objected to.
7. **NON-PURCHASE MONEY SECURITY INTEREST** claims are avoided and paid as unsecured.
8. **EXECUTORY CONTRACTS.** Debtor(s) rejects all executory contracts and leases except the following which are assumed and paid by the debtor with no payments by the Trustee except in the event of an amended deficiency claim.
10. **UNSECURED CREDITORS:** Unsecured creditors shall be paid pro-rata by the Trustee on a funds available basis which may exceed, but will not be less than, the following dividend range: 5-20%
11. **SECURED CREDITORS:** Secured creditors shall be treated as follows:

<u>CREDITOR</u>	<u>COLLATERAL</u>	<u>VALUE</u>	<u>PAYMENT</u>	<u>INT</u>
SUNTRUST	2001 CHEVY	1500	\$11,615 \$445	8%
12. **SPECIAL PROVISIONS:** A) The priority debt owed to the IRS of \$6594.09 will be paid through the plan at a rate of \$183 monthly. The remaining debt to the IRS is unsecured and shall be treated as all other unsecured debt above. B) The first and second mortgages are current and shall continue to be paid outside the plan. C) The property taxes owed to the Jefferson County Clerk for 2003 and 2004 shall be paid through the plan at the rate of \$40 monthly until paid.

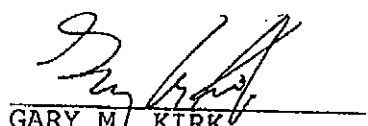
FILED APR - 1 2005
UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF TENNESSEE
BY

DATE:

3/30/05



MIKE BAKER


ROSE BAKER


GARY M. KIRK
ATTORNEY FOR DEBTORS
810 HENLEY ST.
KNOXVILLE, TN. 37902
(865) 524-5320

CERTIFICATION

I hereby certify that I have forwarded a copy of the foregoing Amended Plan to all creditors, and to Gwendolyn Kerney, Chapter 13 trustee by hand delivery, fax and/or by placing same in an appropriately addressed and stamped envelope and posting in the U.S. Mail this 31st day of March, 2005.


GARY M. KIRK